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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,216	06/16/2000	Thomas E. Ward III	39674/JEC/1148	1187

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EXAMINER

NALEVANKO, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/19/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/595,216

Applicant(s)

WARD ET AL.

Examiner

Christopher R Nalevanko

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,6,7. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al.

Regarding Claim 1, Schein shows a method for navigating about an on screen television interactive program guide (see fig. 16a). Schein further shows displaying a list of television programs vertically in a first area of a screen (see fig. 16a item 506), displaying advertisement data in a second area of the screen located horizontally adjacent to the first area (see fig. 21c item 528, page 4 section 0050, page 6 section 0085-0086, page 7 section 0096, page 11 section 0128, page 12 section 135), moving an on screen cursor vertically to highlight a first television program listing in the first area (page 4 section 0053, page 7 sections 0095-0096, page 12 section 0131-132), and displaying a first television program represented by the first television listing in a third area of the screen (see fig. 16a item 526). Schein also shows the ability to display a status overly of a television channel (fig. 17b item 530). Schein fails to show the ability to do the overlay when the program is in the EPG mode. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schein with the ability to overlay status information in the EPG mode in order to provide a more compact and clean design to show the user channel and related data.

Art Unit: 2611

Regarding Claim 2, Schein further shows that the display is responsive to a user command (page 11 section 0126), moving the on screen cursor vertically to highlight a second television program listing (page 12 section 0131), and maintaining display of the first television program in the third area (page 12 section 0133).

Regarding Claim 3, Schein further shows invoking a display status responsive to a user command (page 12 section 0137), moving the on screen cursor vertically to highlight a third television program listing (page 12 section 0131), and replacing the display of the first television program by the third television program in the third area of the screen (page 12 section 0133). This would be accomplished by the user selecting a video program for full screen, then selecting the program guide mode again. This would cause the new program that was in full screen to be the current program, placing it in the third area of the program guide.

Regarding Claim 4, Schein further shows receiving a first user command invoking a full screen television mode from the on screen guide (page 12 section 0137, see fig. 17a-c), displaying a full screen television program in response to the first user command (page 12 sections 0131-0133, 0136-0137), receiving a second user command invoking a grid guide mode (page 12 section 0137, see fig. 17a-c), returning to the on screen program guide (page 12 section 0137), and redisplaying the first television program in the third area of the screen (page 12 section 0122, see figure 16a).

Regarding Claim 5, Schein further shows an advertisement channel for carrying the displayed advertisement (page 8 sections 106-107, page 10 section 0115, page 11 section 0122, 0128, page 12 sections 0134-0135).

Regarding Claim 6, Schein shows that the advertisement is selected based on the television show that is being watched (page 12 section 0135).

Regarding Claim 7, Schein shows activating a function with respect to the highlighted advertisement (page 11 section 0127).

Regarding Claim 8, Schein shows displaying details about the advertisement (page 11 sections 0127-0128, page 12 sections 0134-0135).

Regarding Claim 9, Schein shows the ability to record a future television show from the program guide (page 9 section 0109). Schein also shows the ability to advertise a future television program (page 12 section 133-134). Schein also shows the ability to perform a function on the displayed advertisement as discussed above. Schein fails to show that performing the direct function on the advertisement would mark it for recording. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schein with the ability to mark a future advertisement for recording so that the user could automatically set a desired program for recording instead of searching through the program guide.

Regarding Claim 10, Schein further shows being able to connect to the Internet to show images or data in the second area of the screen (page 10 section 0117, page 11 sections 0124-0125, page 12 sections 0133-0137, page 13 sections 0140-0141, see figure 21c).

Regarding Claim 11, Schein further shows establishing a link to an internet website for display of images or video in a fourth area of the screen (see figure 21c 'official NFL cap' area).

Art Unit: 2611

Regarding Claim 12, Schein shows the ability to collect user profile data and change the EPG accordingly (page 11 section 0122).

Regarding Claim 13, Schein shows that the profile data includes viewer interaction with the program guide (page 11 section 0122).

Regarding Claim 14, Schein shows an interactive television system with a tuner for receiving a television program, memory for storing multiple types of data, and a display monitor coupled to the tuner and memory (page 2 section 0029, page 3 sections 0036-0037, page 4 sections 0040, 0050, page 5 sections 0054-0059). All other limitations of the Claim have been discussed with regards to the method claims of Claim 1.

Regarding Claim 15-26, the system claims have been discussed with regards to the method Claims of Claims 2-13, respectively.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lawler et al U.S. Patent No. 5,907,323 discloses an interactive program summary panel.

Yuen et al U.S. Patent No. 6,477,705 discloses a method and apparatus for transmitting, storing, and processing electronic program guide data for on-screen display.

Davis et al. U.S. Patent No. 5,559,548 discloses a system and method for generating an information display schedule for an electronic program guide.

Florin et al U.S. Patent No. 5,583,560 discloses a method and apparatus for audio-visual interface for the selective display of listing information on a display.

Art Unit: 2611

Shoff et al U.S. Patent Application Publication US 2001/0001160 A1 discloses an interactive entertainment system for presenting supplemental interactive content together with continuous video programs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Christopher Nalevanko  
AU 2611  
703-305-8093

cn  
June 16, 2003

  
**ANDREW FAILE**  
**SUPERVISORY PATENT EXAMINER**  
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